Powell/FOIA

Mr. Allen McCreight, Chief
FOIA/PA Branch
FBI HQ
Washington, D.C. 20535

9/21/78

Dear Mr. McCreight,

Whether or not in response to my newest appeal, which included proof that you had provided still another requester with a copy of the photograph taken by Mr. James Powell, I thank you for the print enclosed with your letter of the 18th.

Things must be looking up in the FOIAPA Branch when you have gotten around to partial compliance with a request just short of 11 years y ears old.

However, this is not the all-time FBI record. There remains the part of this request not yet complied with and others of the same period. So I am confident this record will not stand for very long in the FBI's annals.

The remainder of this request was for the records relating to the taking of this picture by the Army intelligence agent who was at the scene of the assassination of President Kennedy. Part of the same request or filed with it as separate requests I also asked for amateur motion pictures taken by young men named Doyle and Martin.

Dallas records reflect the shuffling around of the Martin film. I recall no reference to that of Doyle. These same Dallas records are sadly deficient on the Powell film.

So you can appreciate the significance of these films young Doyle and Martin happened by chance to be on Canal Street in New Orleans just when Lee Harvey Oswald was arrested in a fracas precipitated by Carlos Bringuier and others. Sr. Bringuier also just happened to be a source if not more for both the FBI and the CIA. And the FBI just managed not to let the Warren Commission know it had the Doyle film and did not trouble the Warren Commission with any knowledge of the Martin film. Or of Martin himself, for that matter.

Examination of the Powell picture confirms his statement of the time at which he took it, immediately after the assassination shots were fired. I believe this tends to confirm the rest of his statements. These include that he immediately went into the building from which the assassination is said to have been commited. And then to have been confined in it during the period of the search.

So here with have a trained and experienced government intelligence agent on the scene, unable to leave, and with a good camera and film in it. Perhaps even the FBI might agree with me that any other pictures he took, as perhaps of the finding of the evidence and of people, as well as the reports he did file and the FBI's own reports and other relevant information, are worth examining. Thus my initial request. And thus this appeal from the newest denial by a copy to the Department appeals authority.

In listening to the testimony of James R. Malley, James H. Gale and Tom Kelley of the Secret Service at the hearings of the House Select Committee on Assassinations I have heard descriptions of records I do not recall from those provided to me. Mr. Malley and Mr. Kelley were the inspectors immediately sent to Dallas. Mr. Malley later was the chief FBI liaison with the Warren Commission. (I put it this way because despite his testimony there was other liaison.) Both attested to communication between them that require the existence of records I do not recall/ having read and my reading is of the recent past. Mr. Gale was the inspector who caused disciplining of SA James Hosty and others. SA Hosty was what might called the Oswald agent. From his testimony other relevant and withheld records have to exist. I have appealed these withholdings already.

I renew the appeal because added proof of the existence of what remains withheld is now within the public domain.

There were investigations of the Hosty destruction of a communication to him from Lee Harvey Oswald prior to the assassination, with conflicting accounts under oath, a real convenience because it precluded any possibility of any perjury rap. (I am inclined not to credit the account that would have the Dallas FBI quaking in terror over Oswald's alleged indignation over the hassling of his wife.) Now it turns out that any knowledge of this note or its destruction was withheld from the FBIHQ inspector, a matter I anticipate would be of interest to the FBI when it became aware of this. Thus also a matter of records still withheld. Remarkable, considering that Mr. Hosty remains an FBISA.

Mr. Malley testified that he personally handled 90% or more of the phone calls between Dallas and FBIHQ. A fair number of SAC Gordon Shanklin's memos on his phone conversations are included in what was provided to me but none or virtually none of Mr. Malley's memos were provided. The extent is indicated by Mr. Malley's testimony that he was on the phone up to 16-18 hours a day. He indicated that most of the conversations with the Divisions of Messrs. Rosen(his own), Belmont and Evans. I recall no records being provided from the files of these or any other FBIHQ Divisions. I ask that all be searched.

Mr. Malley testified to having filed several memoranda I do not recall reading in the Dallas FO or any other records, one of about 15 pages on the JFK assassination and another of 8 or 9 pages on Jack Ruby and the killing of Oswald. There should also be other similar memoranda by Mr. Malley that have not been provided.

Mr. Malley testified to making notes, as he also testified Mr. Belmont did, to assure that the work would be done well. I recall no single such record in those I have reviewed only recently. (You know, of course, my interest in how well the work was done.)

Mr. Kelley testified to much not reflected in these Dallas records, which leads me, along with the foregoing related to Mr. Malley's testimony, to believe that there are Dallas and HQ files not searched at all.

Other records that were provided also reflect the existence of still other Dallas files not searched. As an example there are reports of various kinds of surveillances on Marina Oswald. No records have been provided from the relevant files. Still other records establish the continued existence of these files and the knowledge of their existence in both FBIHQ and the Dallas Field Office. This is to say that failure to search and comply from them is not accidental.

The assassins committee's coming testimony includes that of the CIA. I recall no records relating to the CIA or any liaison with it in any of the Dallas records, aside from those establishing the existence of the tape of an intercepted Oswald phone conversation in Mexico City and in the Dallas Field Office at a time after the CIA claims "routine" destruction of it. I have separate requests relating to this to which you have not responded in any way. To save you and me time and in the belief that the FBI is monitoring the Assassins committee testimony I add to the appeals already filed appeal from the denials of records that are about to be disclosed as existing relating to the CIA and including information from or provided by and to it. In this I also include information relating to Yuri Nosenko that you have not provided despite the age of those requests. In this I also desire any public description or non-secret photograph of the Defector Anatoly M. Golitsyn because I have the notion that he once sought me out without indicating he had any reason to know of my existence. I'm curious because this person, who also had no apparent reason for knowing of my interest in Nosenko, sought to discourage that interest.

Sincerely,

Harold Weisberg